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STATE OF DELAWARE
OFFICE OF CONTROLLED SUBSTANCES

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PUBLIC MEETING NOTICE:	CONTROLLED SUBSTANCE COMMITTEE
DATE AND TIME:	Wednesday, December 4, 2013 at 9:00 a.m.
PLACE:	Buena Vista Conference Center, Buck Library, First Floor, 661 S. DuPont Highway, New Castle, Delaware 19720
APPROVED:	

MEMBERS PRESENT

Michael Kremer, DMD, Dental Representative, President
Jo Ann M. Baker, MSN, RN, FNP-C, Nursing Representative
Stephen Ruggles, PA-C, PA Representative
Herb E. Von Goerres, R.Ph., Pharmacy Representative
Art Jankowski, VMD, Veterinary Representative
Mark Hanna, Public Representative
David W. Dryden, R.Ph., J.D., Director Office of Controlled Substances

MEMBERS ABSENT

Luis Garcia, Jr., DPM, Podiatric Representative, Vice President
Philip Kim, M.D., Medical Representative
Alex Zarrow, R.Ph., Pharmacy Representative

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Christine Mast, Administrative Specialist III
Eileen Kelly, Deputy Attorney General

ALSO PRESENT

Joli Martini, Delaware Board of Pharmacy
Cheryl Heiks, Cozen O'Connor
Don Holst, Walgreens
Lucy Somers, Walgreens

CALL TO ORDER

Dr. Kremer called the meeting to order at 9:04 am.

REVIEW AND APPROVAL OF MINUTES

A motion was made by Dr. Kremer, seconded by Mr. Ruggles, to approve the minutes from the June 26, 2013 meeting as presented. The motion was unanimously carried.

PRESIDENT'S REPORT

Dr. Kremer welcomed the committee to the meeting. He welcomed the four new committee members: Ms. Jo Ann Baker, Mr. Herb Von Goerres, Mr. Alex Zarow, and Dr. Art Jankowski. He asked the committee to formally introduce themselves. Dr. Kremer asked Mr. Dryden to provide some background on the committee to assist the new members in understanding the goals and responsibilities of their role.

UNFINISHED BUSINESS

Status Update – Dr. Keith Sokoloff – Ms. Kelly DAG provided the committee an outline of the criminal history of Dr. Sokoloff and previous disciplinary actions taken. Mr. Dryden then provided the committee details of previous disciplines taken by the medical board as well as the controlled substance committee. Dr. Sokoloff was granted a contingent approval for licensure in May of 2013. The contingency was not met. The committee approved scheduling a continuance hearing at the next regularly schedule meeting on February 26, 2014.

Rules and Regulations – Ms. Kelly DAG for the Committee provided guidance to the committee on their responsibility of deliberating and approving the amended rules and regulations previously presented during a hearing held on October 24, 2013. With no public comment received the board began deliberations at 9:34 am. The board deliberated until 9:54 am. A motion was made by Mr. Von Goerres, seconded by Mr. Hanna, to approve the Rules and Regulations amendments as presented. The motion was unanimously carried. Publication of the amended rules and regulations will occur on January 1, 2014, and the effective date will be January 11, 2014.

NEW BUSINESS

Review Request for Hearing Dr. Rodriguez - A motion was made by Mr. Hanna, seconded by Ms. Baker, to provide a recommendation to the Secretary of State to approve licensure on a probationary status with stipulation. The motion was unanimously carried.

Review of Dr. Kerner's Application - Ms. Kelly DAG provided the committee details of the previous consent agreement. Mr. Dryden then provided the committee details of the history related to Dr. Kerner's request to enter into the consent agreement. Ms. Kelly provided the committee the specific details of the actions by Dr. Kerner that resulted in the consent agreement. A motion was made by Dr. Kremer, seconded by Dr. Jankowski, to provide a recommendation to the Secretary of State to approve licensure with stipulation. The motion was unanimously carried.

DIRECTOR'S REPORT

Mr. Dryden welcomed the new members to the Controlled Substance Committee. He first described the makeup of the Committee concentrating on all registrant practitioner and pharmacy coverage for controlled substance issues. Mr. Dryden then reviewed the Committee's past 4 year endeavors with issues such as bath salts, drug diversion, tamper resistant prescription requirements, drug disposal activities and statutory/regulation amendments specific to security, diversion, practitioner dispensing and now practitioner CE requirements. Mr. Dryden also asked the committee to consider increasing the number of

committee meetings per year due to the increased requirements of licensure and managing increased committee responsibilities.

Case/Diversion Review

He then reported to the Committee that two new policies have been instituted in the area of case/diversion review for the Office of Controlled Substances. 1) Case reviews with the Investigative Supervisor, Jeff Ford and Mr. Dryden and 2) PMP review for law enforcement PMP report requests. Mr. Dryden further reported an increase in practitioner's not being State registered but still prescribing controlled substances.

Prescription Monitoring Program (PMP) Review

Mr. Dryden provided a brief description of the PMP to the new members. Recent work includes but is not limited to grant funding and interconnecting with other state PMPs and DHIN. Interstate data sharing has begun with Connecticut, Indiana, and North Dakota which are the first states sharing data with Delaware. Delaware expects that the listing of states sharing information will continue to grow quarterly. Anticipated access to adjacent state data sharing is as follows: New Jersey anticipates interstate data sharing capabilities by the end of 2014, Maryland PMP data is currently available to licensed practitioners with data sharing anticipated sometime in 2015, and Pennsylvania PMP data is currently restricted to Law Enforcement only. It will take some time for adjacent states to begin sharing data due to statute and regulatory changes that are currently being addressed.

National Disposal

Mr. Dryden reported that the Drug Disposal on October 26th that had resulted in 5258 pounds of expired medications collected. This was the third highest collection of record.

Current Event Review

He then provided the Committee with a handout of current events for the quarter.

COMMITTEE REPORTS

Medical Examiner's Report

No report.

DEA Report

No report.

Substance Abuse Report

No report.

Law Enforcement Report

No report

Regulatory Committee Report

No report.

Legislative Committee Report

No report.

INSPECTION REPORT

No report.

COMMITTEE CORRESPONDENCE

Abbvie – changes to AbbVie's Vicodin formulation information was provided to the board for review.

OTHER BUSINESS BEFORE THE BOARD

None

PUBLIC COMMENTS

None

EXECUTIVE SESSION

No executive session was needed.

NEXT SCHEDULED MEETING

The next regular meeting will be held on Wednesday, February 26, 2014 at 9:00 am at the Buena Vista Conference Center, Dining room.

ADJOURNMENT

A motion was made by Dr. Jankowski, seconded by Mr. Hanna, to adjourn the meeting. The motion unanimously carried. The meeting adjourned at 10:52 am.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Mast".

Christine Mast
Administrative Specialist III
Office of Controlled Substances